

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3561 of 2017

- Nitesh Mahapatra S/o Rajkumar Mahapatra Aged About 20 Years R/o Khetrajpur, Near Tiwari Shiv Mandir, Police Station Khetrajpur, District- Sambalpur, Odisha. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station- Pithaura, District- Mahasamund, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Alok Bakshi Advocate
For the Respondent	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.07.2017

1. This is 3rd bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 117/2016 registered at P.S. Pithaura, Distt. Mahasamund (C.G) for the offence punishable under Sections 394, 365 & 120-B of IPC.
2. The first bail application was dismissed as withdrawn for want of prosecution on 21.12.2016. The second one was also dismissed on 23.1.2017 after hearing the arguments on merits.
3. As per the prosecution case, one Ashok Kumar who was driver of the Truck wherein Alluminium was being taken from Jharsuguda to Nagpur. He was travelling along-with assistant driver Mukesh and Kalasi Niranjan. During transit, two persons namely Ashish and the present applicant Nitesh joined Mukesh. Thereafter, on the way, they stopped the vehicle at village Sihol where the complainant/driver Ashok Kumar was assaulted by the present applicant and co-

accused Mukesh and the complainant was tied and Rs.3,400/- was looted from him. Subsequently the accused tried to kidnap the complainant thereby the offence has been committed.

4. Learned counsel for the applicant would submit that complainant Ashok Patro has been examined and he has not supported the case of prosecution and in fact the dispute occurred between the police people and the applicant, therefore, false report was lodged and as such no case is made out against the applicant. He further submits that the applicant is in jail since 13.08.2016 and he may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail.
6. Perused the statement of Ashok Patro who is complainant and he has not supported the case of prosecution. Another witness Niranjan who was examined as P.W.1 has given a different version other than P.W.1. That apart, one more witness Subhash Dadsena who has deposed against the applicant is still to be examined. Therefore, considering these facts, at this stage it would not be proper for this Court to give a finding while considering the bail.
7. In view of the above facts situation of the case, I do not find any change of circumstances after rejecting the earlier bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**